

**Notice of Allowability**

Application No.

10/750,272

Examiner

Christopher M. Koehler

Applicant(s)

HARRISON, RONALD

Art Unit

3726

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment received May 1, 2006.
2. ☒ The allowed claim(s) is/are 1-10 and 12-14.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Peter Sachtjen on May 18, 2006.

The application has been amended as follows:

1. (Currently Amended) An apparatus for making temporary road mats comprising of at least an upper layer and a lower layer, one of said layers including laterally spaced, longitudinally extending timbers, another of said layers including longitudinally spaced laterally extending timbers, said timbers overlying at an array of vertical intersections comprised of longitudinally spaced lateral rows, said apparatus comprising: a frame member; an assembly support on which said timbers may be roughly assembled thereon into said layers with said intersections; a gang drill assembly supported on said frame member, said gang drill assembly carrying a plurality of drill units above said layers for drilling said lateral rows of intersections; means operatively associated with said frame member and said drill units for selectively aligning said drill units with said lateral rows and for downwardly moving said drill units to serially form aligned holes through said timbers at said intersections subsequent to which bolts are inserted into said holes above said timbers and fasteners are connected with said bolts below said timbers resulting in a bolted assembled mat.

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2. Claim 16 has been cancelled.
3. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: In the amendment received May 1, 2006, the applicant revised Figures 11 and 14 of the application, see remarks section, however replacement drawing sheets were not received with the amendment and are not currently found in the application. Applicant must submit these drawing sheets in reply to this office action. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

***Election/Restrictions***

4. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-10 and 12-14, drawn to a method and apparatus for making road mats, classified in class 29, subclass 525.02.
  - II. Claim 16, drawn to a temporary road mat, classified in class 404, subclass 36.

The inventions are distinct, each from the other because of the following reasons:

5. Inventions I and II are related as apparatus and product made. The inventions in this relationship are distinct if either or both of the following can be shown: (1) that the apparatus as claimed is not an obvious apparatus for making the product and the apparatus can be used for making a materially different product or (2) that the product as claimed can be made by another and materially different apparatus (MPEP §

806.05(g)). In this case the product can be made by a material different apparatus and method for example by hand drilling and bolting or without the use of gang drills.

6. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

7. During a telephone conversation with Peter Sachtjen on May 18, 2006 a provisional election was made without traverse to prosecute the invention of Group 1, claims 1-10 and 12-14. Affirmation of this election must be made by applicant in replying to this Office action.

8. This application is in condition for allowance except for the presence of claim 16 directed to Group II non-elected without traverse. Accordingly, claim 16 has been cancelled.

### **REASONS FOR ALLOWANCE**

9. The following is an examiner's statement of reasons for allowance:

10. Regarding claims 1 and 12, the prior art specifically, Phillips et al. (US Patent No. 6,523,243), teaches an apparatus for assembling timbers arranged in perpendicular layers to form an array of vertical intersections (800, Figures 7 and 8A), a frame member and an assembly jig on which the timbers are assembled, a gang drill assembly for drilling holes at said intersections concurrently and joining the timbers with bolts inserted through the bores and secured with fasteners resulting in a bolted assembled mat (abstract). Phillips however does not serially form the aligned holes, nor serially index the assembled mat with respect to the drills, but rather drills all necessary

holes in one operation. Furthermore the examiner sees no motivation to alter Phillips such that the drilling operations are performed serially (i.e. row by row) and not simultaneously (all intersections of a mat at once).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Koehler whose telephone number is (571) 272-3560. The examiner can normally be reached on Mon.-Fri. 7:30A-4:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CMK



**David P. Bryant**  
Primary Examiner